

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 5 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MEMORIAL RESOLUTION

S.R. 124 - By Montford: In memory of Earl R. Malone of Lubbock.

CONGRATULATORY RESOLUTIONS

S.C.R. 44 - By Leedom: Extending congratulations to the Texas Department of Labor and Standards on its 80th anniversary.

S.R. 125 - By Brown: Extending congratulations to Mrs. Emily Gensler on her 100th birthday.

S.R. 126 - By Truan: Extending congratulations to William Dudley Johnson on his 83rd birthday.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:11 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(February 13, 1989)

S.C.R. 19

S.C.R. 27

S.C.R. 28

Filed with Secretary of State
(February 14, 1989)

H.C.R. 32

**FOURTEENTH DAY
(Thursday, February 16, 1989)**

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Leedom.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards,

Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Parker, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Montford, Parmer.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father and source of light and strength, stretch our minds this day to learn and to grow and to be better stewards of all that You have provided. Thank You for the lessons that common things teach and help us never to waste an opportunity to make use of lessons learned. In Jesus' name, we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Parmer was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Montford was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Caperton submitted the following report for the Committee on Finance:

C.S.S.J.R. 11

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

C.S.S.B. 276

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 45 by Henderson Jurisprudence
Granting Mission Construction, Inc., permission to sue the State of Texas and the Parks and Wildlife Department.

S.C.R. 48 by Parker Education
Encouraging every school district in the State of Texas to have a school psychologist, an associate school psychologist or a consulting psychologist.

S.J.R. 23 by Krier Finance
Proposing a constitutional amendment to limit increases in ad valorem taxes for schools imposed on the homesteads of certain surviving spouses of elderly persons and to provide for the administration of certain ad valorem tax increase limits.

S.J.R. 24 by McFarland Finance
Proposing a constitutional amendment providing for the issuance of general obligation bonds for acquiring, constructing, or equipping corrections institutions.

S.B. 547 by Krier Jurisprudence
Relating to the admissibility of a hearsay statement by an abused child in certain civil proceedings.

- S.B. 548** by Krier Intergovernmental Relations
Relating to the disposition of fines imposed on convictions for public intoxication.
- S.B. 549** by Krier Intergovernmental Relations
Relating to publication in the newspaper of a caption of an ordinance imposing a penalty by general-law municipalities.
- S.B. 550** by Brown Health and Human Services
Relating to the regulation of the practice of dentistry.
- S.B. 551** by Carriker Jurisprudence
Relating to relief from civil damages for real estate licensees disclosing real property sales prices and terms.
- S.B. 552** by Barrientos, Edwards Education
Relating to the testing of and remedial opportunities for students at public institutions of higher education.
- S.B. 553** by Barrientos State Affairs
Relating to legal holidays that fall on a weekend.
- S.B. 554** by Barrientos State Affairs
Relating to the creation and operation of a sick leave pool to benefit certain employees of the Department of Public Safety.
- S.B. 555** by Barrientos State Affairs
Relating to repeal of the fee required to be charged on dismissal of a charge of failure to maintain financial responsibility for use of a motor vehicle.
- S.B. 556** by Lyon State Affairs
Relating to exempting police officers from wearing safety belts in motor vehicles in certain circumstances.
- S.B. 557** by McFarland, Caperton, Glasgow, Criminal Justice
Montford
Relating to the award and forfeiture of good conduct time for persons confined in county jail before transfer to the Texas Department of Corrections.
- S.B. 558** by McFarland Finance
Relating to the issuance of general obligation bonds for projects relating to corrections institutions.
- S.B. 559** by Carriker State Affairs
Relating to the law setting forth who may receive brevet promotions in the Texas military forces.
- S.B. 560** by Haley State Affairs
Relating to purchase of service credit in the Teacher Retirement System of Texas by vocational teachers.
- S.B. 561** by Haley Criminal Justice
Relating to the creation of the offenses of arson of open-space land and arson of a forest.
- S.B. 562** by Haley State Affairs
Relating to length limitations for operating motor buses on public highways.
- S.B. 563** by Haley Education
Relating to a decision of the commissioner of education relating to a student's eligibility to participate in extracurricular activities.

- S.B. 564** by Haley Health and Human Services
Relating to the provision of dental services by a health maintenance organization.
- S.B. 565** by Leedom Education
Relating to certain requirements that must be met by a male under 26 years of age to be eligible to enroll at a public institution of higher education and to receive certain financial assistance.
- S.B. 566** by Leedom, Brooks Criminal Justice
Relating to the carrying of weapons by members of the state military forces.
- S.B. 567** by Truan Criminal Justice
Relating to granting limited law enforcement authority to civilian special agents of the United States Naval Investigative Service.
- S.B. 568** by Green Criminal Justice
Relating to the disposition of property and proceeds forfeited under the Texas Controlled Substances Act.
- S.B. 569** by Green Economic Development
Relating to disclosure of guaranty fund coverage in insurance policies and contracts and in certificates and evidences of coverage.
- S.B. 570** by Santiesteban Economic Development
Relating to the sale of American Indian arts and crafts and turquoise; providing criminal and civil penalties.
- S.B. 571** by Barrientos Criminal Justice
Relating to the punishment for the offense of criminal trespass committed in a shelter center.
- S.B. 572** by Barrientos Jurisprudence
Relating to the appointment of an attorney ad litem.
- S.B. 573** by Green Criminal Justice
Relating to the seizure and forfeiture of a conveyance used to transport an explosive device.
- S.B. 574** by Parker Criminal Justice
Relating to AIDS and HIV testing for defendants convicted of certain offenses.
- S.B. 575** by Parker Jurisprudence
Relating to the adoption of the Uniform Statutory Form Power of Attorney Act.
- S.B. 576** by Whitmire Intergovernmental Relations
Relating to the authority of the commissioners court to establish a commission for the homeless and to require the collection of a fee to finance the commission.
- S.B. 577** by Montford Intergovernmental Relations
Relating to criminal law magistrates in Lubbock County.
- S.B. 578** by Brown Jurisprudence
Relating to a seller's duty to disclose the condition of real property to a purchaser.
- S.B. 579** by Zaffirini Education
Relating to the governance, operation, funding, name, and mission of Texas A&I University, Corpus Christi State University, and Laredo State University as component institutions of The Texas A&M University System and to the composition, powers, and duties of that system.

MESSAGE FROM THE HOUSE

House Chamber
February 16, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 31, Recognizing Dr. John P. McGovern for his achievements.

H.C.R. 21, Commending Bill and Camille Cosby on their gift to Spelman College.

H.C.R. 51, Commending Austin Mardon.

H.C.R. 70, Commending Paul M. Bass, Jr.

H.C.R. 14, Recognizing Denison, Texas, as the Wine Root Stock Capital of the World.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 128

Senator Truan offered the following resolution:

WHEREAS, The State of Texas and the City of Corpus Christi are justifiably proud of one of their nationally prominent citizens, Dr. Hector Perez Garcia, for his unwavering patriotism and for his outstanding accomplishments as a national civil rights leader; and

WHEREAS, He succeeded in calling national attention to the problems of the Mexican American and, in so doing, is known as the Founder and first National Chairman of the American G.I. Forum of the United States, which he founded in Corpus Christi, Texas, in 1948 to combat discrimination against Hispanics; and

WHEREAS, Today the American G.I. Forum has chapters in 24 states with headquarters in Washington, D.C.; instigating social and political reform, the organization was founded originally to help Mexican Americans following World War II achieve equality of opportunity under our democratic system; and

WHEREAS, Dr. Garcia broadened the scope of the American G.I. Forum to include all Hispanics seeking commitments to politics, educational endeavors, and the labor market; and

WHEREAS, On Thursday, February 16, 1989, the American G.I. Forum and citizens from all walks of life will honor Dr. Garcia at the 40th Annual National Mid-Year Conference, which will be held in Austin; and

WHEREAS, "Dr. Hector," as he is most affectionately known, is a living legend, a prophet with honor in his own country; no other human being has made such lasting contributions to the cause of civil rights for Hispanics and has contributed so much to organization-building than Dr. Hector P. Garcia; and

WHEREAS, After his birth in 1917 in the Mexican village of Lleba, Dr. Garcia's parents moved their family to Mercedes, where he graduated from high school; at The University of Texas, he earned his bachelor of arts degree in 1936 and a Doctor of Medicine degree in 1940; and

WHEREAS, Dr. Garcia enlisted in the United States Army in 1942 during World War II and earned the Bronze Star with six Battle Stars in the European Theater of Operations; and

WHEREAS, Since establishing his medical practice after World War II, he has received wide acclaim as a champion of the cause of the Mexican American and is a renowned leader and a credit to our state; the City of Corpus Christi is honored to have him as one of its most esteemed citizens; he has been recognized by such diverse organizations as the National Association for the Advancement of Colored People, League of United Latin American Citizens, and the Corpus Christi Chamber of Commerce; and

WHEREAS, In 1984, President Ronald Reagan bestowed on Dr. Garcia the nation's highest civilian award, the Medal of Freedom, in recognition of his exceptional contributions and service to his beloved country; and

WHEREAS, The City of Corpus Christi in 1985 named a city park in his honor; and, also in that year, Yale University named a chair in honor of Dr. Garcia; and

WHEREAS, On September 14, 1988, the City of Corpus Christi renamed the Corpus Christi Main Post Office in his honor; and

WHEREAS, Dr. Garcia has had the love and strong support of his wife, Wanda, and their three children, Daisy Wanda, Adriana Cecilia, and Susana Patricia; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby applaud and commend the untiring humanitarian efforts and great accomplishments of Dr. Hector P. Garcia on the part of his nation, state, community, and fellowman; and, be it further

RESOLVED, That a copy of this Resolution be prepared under the seal of the Senate for Dr. Garcia as a token of deepest respect and admiration from the Texas Senate.

The resolution was read.

On motion of Senator Glasgow and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was adopted viva voce vote.

GUESTS PRESENTED

Senator Truan presented Dr. Garcia to the Members of the Senate and escorted him and the following guests to the President's Rostrum: Ms. Maria Jacinta Padron, G.I. Forum State Queen; her mother, Mrs. Adela Padron; Ms. Irene De Leon, President of the G.I. Forum Youth Group; and Alvino C. Campos, a G.I. Forum member.

Dr. Garcia responded to this tribute with brief remarks, expressing his appreciation for the Senate's commendation.

GUEST PRESENTED

Senator Krier was recognized and presented Dr. Maria M. Cabello of San Antonio.

The Senate welcomed Dr. Cabello, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for her contributions today.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President Pro Tempore announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President Pro Tempore asked if there were requests to sever nominees.

Senator Truan requested that Thomas Gilbert Loeffler and Robert J. Cruikshank, to be Members of The University of Texas System Board of Regents, be severed.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Montford, Parmer.

Member, State Commission on Judicial Conduct: JUDGE HOMER SALINAS, Hidalgo County.

Members, State Board of Nurse Examiners: MRS. LYNN CURTIS BESSELMAN, Potter County; MS. EILEEN MARIE PIWETZ, Midland County; MRS. AIMEE JOANNA SEAMANS, Bexar County.

Members, State Board of Pharmacy: MICHAEL KEITH LESTER, Dallas County; JERRY D. PYLE, Tarrant County; MR. CHARLES LAMBIE RITTENBERRY, Potter County.

Members, State Board of Vocational Nurse Examiners: MS. VIRGINIA M. BAUMAN, Cameron County; MRS. NORMA JEAN CLARK, Denton County; MRS. SANDRA UNDERWOOD KNIGHT, Anderson County; WAYNE LEE OGBURN, Taylor County; MRS. CHARLOTTE JANE SIFFORD, Oldham County.

Member, State Board of Dental Examiners: MRS. MARY C. SPINKS, Harris County.

Members, Texas State Board of Examiners of Dietitians: MRS. LYDIA DAMREL, Orange County; MRS. PATTY GREER, Nacogdoches County; MS. HELEN P. O'REILLY, Dallas County; MS. ALANA DAVIS WEBB, Williamson County.

Question recurring on the confirmation of Robert J. Cruikshank, Mr. Cruikshank was confirmed to be a Member of The University of Texas Board of Regents by the following vote: Yeas 29, Nays 0.

Absent-excused: Montford, Parmer.

Question recurring on the confirmation of Thomas Gilbert Loeffler, Mr. Loeffler was confirmed to be a Member of The University of Texas Board of Regents by the following vote: Yeas 29, Nays 0.

Absent-excused: Montford, Parmer.

COMMITTEE SUBSTITUTE SENATE BILL 294 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 294, Relating to the creation of the Texas preservation trust fund and the preservation of historic property.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 294 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 294** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Montford, Parmer.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 334 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 334, Relating to the transaction of business by certain domestic insurance companies with defined clearing corporations.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 334 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 334** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Montford, Parmer.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Montford, Parmer.

**COMMITTEE SUBSTITUTE
SENATE CONCURRENT RESOLUTION 5 ON SECOND READING**

Senator Johnson asked unanimous consent to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up for consideration at this time on its second reading:

C.S.S.C.R. 5, Urging Congress to amend the United States Constitution to prohibit the United States from levying income taxes on income derived from obligations of the states and their political subdivisions.

There was objection.

Senator Johnson then moved to suspend the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution to take up **C.S.S.C.R. 5** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Ratliff, Santiesteban, Sims, Tejeda, Uribe, Whitmire, Zaffirini.

Nays: Parker, Truan, Washington.

Absent-excused: Montford, Parmer.

The resolution was read second time and was adopted viva voce vote.

RECORD OF VOTES

Senators Parker, Truan and Washington asked to be recorded as voting "Nay" on the adoption of the resolution.

MEMORIAL RESOLUTIONS

S.C.R. 46 - By Barrientos: In memory of Mrs. Edith H. Buss of Austin.

S.C.R. 47 - By Caperton: In memory of Jack A. Griffin of Brenham.

CONGRATULATORY RESOLUTIONS

H.C.R. 70 - (Johnson): Extending congratulations to Paul M. Bass, Jr.

S.R. 127 - By Leedom: Extending congratulations to Greg Liechty of Dallas on his 80th birthday.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:01 p.m. adjourned until 11:00 a.m. Monday, February 20, 1989.

FIFTEENTH DAY

(Monday, February 20, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Glasgow.

A quorum was announced present.

The Reverend R. W. Bobby Martin, Minister of Education, First Baptist Church of Carrollton, Texas, offered the invocation as follows:

Our Heavenly Father, thank You for this day of life: a day to rejoice in Your majesty and a day to celebrate our freedom. We know all of life is a gift of Yours.

We thank You, God, for the great Lone Star State—a place rich in heritage, wealthy in the cultural diversity of its people, and vast in its resources. Thank You, Father, for Texas—its past, present, and future. And it's for that purpose we have